UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,310	08/06/2001	Charles Han	000004	3087

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EXAMINER
ELAHEE, MD S

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/924,310	HAN ET AL.
		Examiner	Art Unit
		Md S. Elahee	2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 February 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5, 9, 11-15, 18-22 and 27-35* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5, 9, 11-15, 18-22 and 27-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This action is responsive to an amendment filed on 02/10/05. Claims 1-5, 9, 11-15, 18-22

and 27-35 are pending. Claims 6-8, 10, 16, 17 and 23-26 have been cancelled.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-5, 9, 11-15, 18-22 and 27-35 have been

fully considered but are moot in view of the new ground(s) of rejection which is deemed

appropriate to address all of the needs at this time.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

4.   Claims 1, 11, 18 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

        Regarding claim 1, the phrase "recording quality of the corresponding voice tag is not

high" is indefinite because it is unclear how high the quality is. Regarding claims 11, 18 and 27

are rejected for the same reasons as discussed above with respect to claim 1.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness
       or nonobviousness.

7.   This application currently names joint inventors.   In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary.   Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8.   Claims 1-8, 10, 11, 13, 14 and 16-27 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Foladare et al. (U.S. Patent No. 5,978,671) in view of Landell et al. (U.S.

Patent No. 4,994,983).

      Regarding claim 1, Foladare teaches receiving an incoming call from a first telephone

number (fig.1, 2; col.5, lines 40-42).

      Foladare further teaches incrementing a value [i.e., variable] indicating a number of calls

received from the first telephone number (fig.2; col.5, lines 40-42, col.6, lines 38-47).

Foladare further teaches prompting a subscriber [i.e., user] to enter [i.e., save] the first

telephone number along with a corresponding spoken word [i.e., voice tag] when the value is

equal to or greater than a threshold number (fig.2; col.4, lines 38-43, col.6, lines 16-19, 24-34,

38-47). (Note: since the alphanumeric identifier includes the ANI information, it is clear that the

subscriber is entering the telephone number of the caller and since the alphanumeric identifier

includes the ANI information, spoken word, it is clear that the spoken word is corresponding to

the telephone number)

Foladare further teaches storing the first telephone number (col.6, lines 31-34).

However, Foladare does not specifically teach "prompting the user for a new voice tag if

a recording quality of the corresponding voice tag is not high" and "storing an acceptable

recording quality voice tag". Landell teaches prompting the user for a new phrase [i.e., voice tag]

if a recognition [i.e., recording] quality of the corresponding phrase is not high and updating [i.e.,

storing] an acceptable recognition quality phrase (col.7, line 54- col.8, line 13, lines 35-44).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify Foladare to incorporate prompting the user for a new voice tag if a recording

quality of the corresponding voice tag is not high as well as storing an acceptable recording

quality voice tag as taught by Landell. The motivation for the modification is to have doing so in

order to provide spoken phrase without having any noise.

Regarding claim 2, Foladare teaches audibly prompting the subscriber (col.6, lines 16-19,

38-41). (Note: audibly prompting is inherent here)

Regarding claims 3, 8 and 14, Foladare teaches that prompting step comprises presenting

text on a display 22 [i.e., LCD display] (fig.1; col.4, lines 63-66).

Regarding claims 4 and 21, Foladare teaches that the threshold number is set by a manufacturer (col.8, lines 49-52). (Note: Since, the number of calls can be fixed in the system, it is clearly refers to the threshold number that is set by a manufacturer)

Regarding claims 5 and 22, Foladare teaches that the threshold number is set by the subscriber (col.8, lines 49-52).

Regarding claim 11 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Foladare teaches matching [i.e., comparing] the voice tag to a quality parameter (col.7, lines 5-10, 33-38). (Note: quality parameter is inherent here)

Regarding claim 13, Foladare teaches prompting [i.e., making a request] audibly (col.6, lines 16-19, 38-41). (Note: audibly is inherent here)

Regarding claim 17, Foladare teaches saving the voice tag (col.6, lines 31-33).

Regarding claim 18 rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Foladare teaches a receiver configured to receive an incoming call from a first telephone number (fig.1, 2; col.5, lines 40-42).

Foladare further teaches a processor [i.e., CPU] configured to increment a value [i.e., variable] indicating a number of calls received from the first telephone number (fig.2; col.4, lines 29-37, col.5, lines 40-42, col.6, lines 38-47).

Foladare further teaches a user interface adapter configured to prompt a subscriber [i.e., user] to enter [i.e., save] the first telephone number along with a corresponding spoken word [i.e., voice tag] when the value is equal to or greater than a threshold number (fig.1, 2; col.4, lines 38-43, col.6, lines 16-19, 24-34, 38-47). (Note: since the alphanumeric identifier includes the ANI information, it is clear that the subscriber is entering the telephone number of the caller)

Foladare further teaches a database [i.e., memory] module configured to store the first

telephone number (col.6, lines 31-34).

Regarding claim 23, Foladare teaches that the database module is further configured to

store a voice tag corresponding to the first telephone number (col.4, lines 38-43, col.6, lines 16-

19, 38-41).

Regarding claim 25, Foladare teaches a microphone configured to receive the voice tag

corresponding to the first telephone number (fig.2; col.4, lines 38-43, col.6, lines 16-19, 38-41).

(Note: microphone is inherent here)

Regarding claim 26, Foladare teaches that the processor (i.e., CPU) is further configured

to save the voice tag corresponding to the first telephone number (col.4, lines 29-37, col.6, lines

31-33).

Regarding claim 29, Foladare teaches receiving a spoken word [i.e., voice tag]

corresponding to a first telephone number, the spoken word having a recording quality (fig.2;

col.5, lines 40-42, col.6, lines 61-64). (Note: the recording quality is inherent here)

Foladare further teaches storing [i.e., saving] the spoken word (col.6, lines 31-34, col.7,

lines 33-38).

However, it is not clear whether Foladare teaches "comparing the recording quality to a

quality parameter". Landell teaches comparing the recognition [i.e., recording] quality to a

quality parameter (col.7, line 54- col.8, line 13, lines 35-44). Thus, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to modify Foladare to allow

comparing the recording quality to a quality parameter as taught by Landell. The motivation for

the modification is to have doing so in order to obtain good recognition.

It is also not clear whether Foladare teaches "prompting a user to re-record said voice tag when said recording quality does not satisfy said quality parameter". Landell teaches prompting a user to respeak [i.e., re-record] the phrase [i.e., voice tag] when the recognition [i.e., recording] quality does not satisfy the quality parameter (col.7, line 54- col.8, line 13, lines 35-44). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Foladare to allow prompting a user to re-record the voice tag when the recording quality does not satisfy the quality parameter as taught by Landell. The motivation for the modification is to have doing so in order to determine the correct phrase spoken by user.

Regarding claims 30-32, 34 and 35 are rejected for the same reasons as discussed above with respect to claims 2, 3, 1, 7 and 8 simultaneously.

Regarding claim 33, Foladare teaches prompting [i.e., asking] the caller [i.e., user] to utilize a voice dialing feature (fig.2; col.5, lines 40-42, col.6, lines 61-64). (Note: the caller uses spoken word to call the subscriber, the voice dialing feature is inherent here).

9.   Claims 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foladare et al. (U.S. Patent No. 5,978,671) in view of Landell et al. (U.S. Patent No. 4,994,983) further in view of Brady (U.S. Patent No. 5,982,857).

Regarding claims 9 and 15, Foladare teaches saving the voice tag corresponding to the first telephone number (col.6, lines 31-33).

However, Foladare in view of Landell does not specifically teach "saving said voice tag corresponding to said first telephone number in a voice tag file". Brady teaches saving said voice tag corresponding to the first telephone number in a voice tag file (fig.3; col.4, lines 50, 51, col.5, lines 2-11). Thus, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Foladare in view of Landell to allow saving the voice tag corresponding to the first telephone number in a voice tag file as taught by Brady. The motivation for the modification is to have doing so in order to provide the voice file to store call specific information.

10.   Claims 12 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foladare et al. (U.S. Patent No. 5,978,671) in view of Landell et al. (U.S. Patent No. 4,994,983) further in view of Bambini et al. (U.S. Patent No. 5,898,392).

Regarding claims 12 and 28, Foladare teaches prompting [i.e., making a request] to the subscriber [i.e., user] to enter [i.e., record] the voice tag in a different location (col.6, lines 31-34). However, Foladare in view of Landell does not specifically teach "different geographic location". Bambini teaches different geographic location (col.2, line 63- col.3, line 1). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Foladare in view of Landell to incorporate different geographic location as taught by Bambini. The motivation for the modification is to have doing so in order to control the recording of voice at remote location.

Conclusion

11.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Noble, Jr. (U.S. Patent No. 6,356,634) teach System for pre-recording and later interactive playback of scripted messages during a call engagement.

12.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.   Accordingly, **THIS ACTION IS MADE FINAL.**   See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.F.

MD SHAFIUL ALAM ELAHEE
August 19, 2005

ALLAN HOOSAIN
PRIMARY EXAMINER